



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER
GOVERNOR

Certified Mail: 7003 1680 0000 6173 5494

February 11, 2008

Mr. Randy Collins
Fire Chief
Healdsburg Fire Department
601 Healdsburg Avenue
Healdsburg, California 95448

Dear Mr. Collins:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, Department of Toxic Substances Control, and the State Water Resources Control Board conducted a program evaluation of Healdsburg/Sebastopol Unified Program Agency (UPA) on January 16 and 17, 2008. The evaluation was comprised of an in-office program review and field oversight inspections. The State evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff, which includes identified deficiencies, with preliminary corrective actions and timeframes, program observations and recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that Healdsburg/Sebastopol UPA's program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Progress Reports to Cal/EPA that depict your agency's progress towards correcting the identified deficiencies. Please submit your Deficiency Progress Reports to JoAnn Jaschke every 90 days after the evaluation date. The first deficiency progress report is due on April 16, 2008.

Cal/EPA also noted during this evaluation that Healdsburg/Sebastopol UPA has worked to bring about a number of local program innovations, including: maintaining an annual inspection frequency for all program elements and developing thorough Standard Operating Procedures. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

Mr. Randy Collins
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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

[Original signed by Jim Bohon]

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc/Sent via email:

Ms. Linda Collister
Fire Marshal
Healdsburg Fire Department
601 Healdsburg Avenue
Healdsburg, California 95448

Mr. Sean Farrow [SWRCB Evaluator]
State Water Resources Control Board
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Sacramento, California 94244-2102

Mr. Frederick Thomas [DTSC Evaluator]
Department of Toxic Substances Control
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Mr. Jeffrey Tkach [OES Evaluator]
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Mr. Randy Collins
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cc/Sent via Email:

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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: **Healdsburg/Sebastopol Unified Program Agency**

Evaluation Date: **January 16 and 17, 2008**

EVALUATION TEAM

Cal/EPA: JoAnn Jaschke
SWRCB: Sean Farrow
OES: Jeffrey Tkach
DTSC: Frederick Thomas

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to JoAnn Jaschke at (916) 323-2204.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	The CUPA is allowing businesses to submit Business Plans which are incomplete. Of the twelve files reviewed, eight files were missing one or more of the following elements: Annual Inventory Certification Business Plan review Certification Emergency Response Plan Site Map Employee Training Program HSC section 25505 (c), 25503.3(c), CCR Title 19 sections 2731 and 2732(a) [OES]	By April 16, 2008, the CUPA must submit an action plan outlining how the CUPA will maintain consistency among the business plans. The CUPA will also update Cal/EPA on the progress of the implementation of the action plan, until OES feels the deficiency has been corrected in the deficiency progress reports.
2	The CUPA has not performed an annual CalARP performance audit. CCR Title section 2780.5 [OES]	By September 30 2008, the CUPA shall perform an annual CalARP performance audit. At the CUPA's option, this information may subsequently be included with the annual Title 27 self audit.
3	The CUPA is not citing violations in a manner consistent with the definitions of minor, Class II, or Class I as provided in law and regulation. The CUPA is not implementing a graduated series of enforcement actions. Chronic minor violations are not being elevated to Class II violations.	By February 17, 2008, the CUPA shall ensure that staff is trained and familiar with the statutory and regulatory definitions for the different hazardous waste violation classifications.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

	<p>1) Evans Design – 3/1/06 letter indicates eight violations were not being corrected from 5/12/05 even with six contacts including re-inspections until 5/23/06. The matter was not referred to the District Attorney on 4/7/06 as the CUPA had declared it would and the \$510.00 inspection recovery fee was subsequently waived.</p> <p>CCR, Title 27, section 15200(a)(9) HSC, section 25404(a)(3)(C) CCR, Title 22, section 66260.10 [DTSC]</p>	
4	<p>The CUPA has not amended their Standard Operating Procedures to include a discussion of how the CUPA will expend 5% of their hazardous waste related resources to the oversight of Universal Waste handlers and silver-only generators.</p> <p>HSC, section 25201.4(c) CUPA forum board position [DTSC]</p>	<p>The CUPA corrected this deficiency. On January 17, 2008, the CUPA updated their Standard Operating Procedures to address how they expend resources to implement oversight of Universal Waste handlers and silver-only generators.</p>
5	<p>The CUPA is allowing the Healdsburg Fire Department (HFD) to operate its UST's without passing the annual monitoring certification and secondary containment test.</p> <p>The HFD in consultation with the CUPA has completed the following in attempts to bring the facility tanks into compliance:</p> <ul style="list-style-type: none"> • Gone out to bids for tank repairs; • Attempted to repair the tanks; • Tested tanks for secondary containment; • Grossly failed secondary containment test. <p>CCR, Title 23, section 2637 (a) CCR, Title 23, section 2712 (e)(g) HSC section 25284(a)(1) [SWRCB]</p>	<p>By March 17, 2008, the CUPA will develop a plan to bring the HFD into compliance.</p> <p>By September 17, 2008, the CUPA will ensure the HFD is in compliance and is operating with a valid permit.</p> <p>If the CUPA has a conflict of interest associated with bringing HFD back into compliance or taking the proper enforcement against the HFD, the CUPA should contact the state or the U. S. EPA for assistance.</p>

CUPA Representative

Linda Collister

Original Signed

(Print Name)

(Signature)

Evaluation Team Leader

JoAnn Jaschke

Original Signed

(Print Name)

(Signature)

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

1. **Observation:** The CUPA is not using a separate, specific system for the different quantity generators and/or tiered permitting facilities during inspections.

Recommendation: Under Summary of Hazardous Waste Inspection Procedure, it says to review training plan and records, contingency plan, etc., on page 9 of the Inspection and Enforcement Plan. Training records and contingency plans should only be reviewed based on the level or type of waste generation. The CUPA should develop a system for inspectors to use during inspections of small quantity, large quantity, tiered permitted, and permit-by-rule generators due to requirements that are unique to these facilities. For example, SQG's have to only comply with 40 CFR 262.34 for their training requirements.

2. **Observation:** In FY 04/05 the CUPA took 5 enforcement actions. In FY 05/06 the CUPA took 4 enforcement actions. Additionally, the CUPA has three on-going enforcement cases.

Recommendation: Continue taking formal enforcement against regulated facilities with non-minor violations when necessary and reporting this on the Annual Enforcement Summary Report (Report 4) submitted to Cal/EPA.

3. **Observation:** Inspection information is overlapping within program elements resulting in some duplicative and/or missing information.

Recommendation: Document inspections with a system or checklist to clarify the different program element information so it can be found and updated more quickly. This ensures more efficient use of CUPA resources.

4. **Observation:** The CUPA includes detailed information along with the annual summary reports, including a summary of the red tags issued and information explaining some of the numbers reported within columns.

Recommendation: Continue including this detailed information on the annual summary reports.

5. **Observation:** The CUPA's test use of a tablet PC to record and generate inspection reports and SOVs is resulting in improved documentation of violations when compared to handwritten reports/SOVs.

Recommendation: The CUPA should ensure that all their inspectors utilize a tablet PC when conducting inspections that upload information directly into the CUPA DMS. This will enhance the CUPA's overall performance of implementing an efficient, consistent and coordinated program.

6. **Observation:** The CUPA's FY 06/07 Annual Summary Report incorrectly reported the amount of the state surcharge collected and remitted for CalARP, UST, and CUPA Oversight. The oversight amount for UST facilities was reported under the UST surcharge amount and the oversight for

Certified Unified Program Agency (CUPA)

Evaluation Summary of Findings

CalARP facilities was reported under the CalARP surcharge amount. However, the quarterly reports submitted to the State were accurate.

Recommendation: Starting in FY 07/08, the CUPA should ensure the state surcharges collected and remitted within each program are accurately reported on the Annual Summary Report 2.

7. **Observation:** The CUPAs's local ordinance includes the following, "Any person who willfully obstructs or interferes with the CUPA inspector who is conducting an inspection pursuant to this Ordinance is guilty of a misdemeanor, and may be punished by a fine not to exceed \$500, or by imprisonment for a period not to exceed six months, or by both a fine and imprisonment." under the inspection section.

Recommendation: Continue pursuing options to help ensure the CUPA is implementing an effective program.

8. **Observation:** The UST Inspection checklist does not identify Significant Operational Compliance (SOC) items or provide for a summary of these items for tracking purposes, and the database does not track SOC compliance.

Recommendation: Provide a means for determining SOC compliance during the inspection and provide a means for tracking the compliance in order to provide the data for Report 6.

9. **Observation:** The CUPA's UST files are well-organized and information is easily obtained due to the use of multi-sectional folders.

Recommendation: The CUPA is encouraged to continue to maintain their files in a well-kept manner.

10. **Observation:** The CUPA has access to and routinely use a camera to document violations at UST facilities - noted during the file review.

Recommendation: Photographs are useful to document violations and the conditions at facilities. Photographs could help strengthen your case should enforcement become necessary. Always remember to date stamp photographs.

11. **Observation:** The CUPA has extensive knowledge in the AEO process and has been successful in its implementation since taking over the CUPA management position.

12. **Observation:** The CUPA inspector, Linda Collister, conducted the UST site inspection in a thorough and professional manner. Her attention to detail and knowledge of code and regulations resulted in an excellent inspection. During the inspection, Linda noted a couple of violations. To document these violations, pictures were taken and noted on the inspection report along with time frames for their corrections. I would also like to point out that Linda seemed to have a good working relationship with the designated operator and service technician for this site.

Certified Unified Program Agency (CUPA)
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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA maintains an annual inspection frequency for all program elements.
2. The CUPA has organized and thorough Standard Operating Procedures, including detailed information for each program element, having the information available on disks, and incorporating fantastic flow charts.
3. Healdsburg/Sebastopol Unified Program Agency implements a good educational outreach program. The CUPA developed an informative fact sheet for their regulated facilities on Preparing for an Inspection. The fact sheet explains the purpose of the facility inspection, reviewing records, conducting an exit interview, enforcement, explains common violations, and highlights resources available on-line to assist business. The CUPA also distributes flyers on explaining how long the facility has to correct violations, a hazardous waste guide for auto body shops, and one for auto repair shops. Lastly, the CUPA surveys their regulated facilities asking them how the CUPA treats them. Overall, the regulated facilities rate the CUPA's performance as exceeding their expectations.
4. The CUPA's coordination with other agencies is commendable. The CUPA meets with all the other CUPAs within Sonoma County on a regular basis for training and to discuss issues, including working together to implement a consist utilization of CUPA DMS tracking system. Additionally, the CUPA interacts with and conducts multi-media inspections with the Regional Water Quality Control Board, City of Santa Rosa, law enforcement, the Sebastopol Fire Department, DTSC, Bat Area Air Quality Management District, and the Environmental Health Department.